

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27072 of 2021

Arising Out of PS. Case No.-212 Year-2019 Thana- BHAGWANPUR District- Vaishali

Akrit Kumar@Akrit @ Bittu Kumar @ Bittu Son Of Ram Ishwar Mahto
Resident Of Village- Goraul, P.S.- Goraul, P.S.- Goraul, District- Vaishali.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain,Advocate
For the Opposite Party/s : Mr.Md.Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bhagwanpur P.S. Case No. 212 of 2019 registered for the offences punishable under Section 392 of the Indian Penal Code. The petitioner is in custody since 12.12.2019. He has got 5 criminal antecedents.

As per the prosecution story, on 14.08.2019 in the night, while the informant was going to his home, on the way four unknown miscreants looted away his motorcycle, ESIC ID, Aadhar Card, ATM card, PAN card, Mobile and cash Rs.10,000/- on the point of pistol.



Learned counsel for the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has not been named in the FIR rather his name has transpired in the confessional statement of co-accused. It is also submitted that nothing incriminating has been recovered from the possession of the petitioner. The petitioner is in custody since 12.12.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is not named in the First Information Report, there is no recovery and the petitioner has not been put on test identification parade as also considering that the petitioner is in custody since 12.12.2019 after taking him on remand from Lalganj P.S. Case No. 332 of 2019, the co-accused, namely, Chandan Kumar and Saurabh Kumar have been granted bail by two learned Co-ordinate Benches of this Court in Cri. Misc. No. 26171 of 2020 and Cri. Misc. No. 15936 of 2020, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Vaishali



at Hajipur in connection with Bhagwanpur P.S. Case No. 212 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

